



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3013886
Applicant Name: John Benavente for Right Foot Development
Address of Proposal: 2323 West Crockett Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one development site into two unit lots. The construction of residential units has been approved under Project #6322235. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.*

*Note – The project description has been revised from the following original notice of application: “Land Use Application to subdivide one development site into two unit lots. The construction of residential units is being reviewed under Project #6322235. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.”

The following approval is required:

Short Subdivision - to create two unit lots. (Seattle Municipal Code (SMC) Chapter 23.24).

SEPA - Environmental Determination (SMC Chapter 25.05).

SEPA DETERMINATION: [☐] Exempt [X] DNS [☐] MDNS [☐] EIS
[☐] DNS with conditions
[☐] DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Zoning: Lowrise 2 (LR2)

Uses on Site: Two new single family residences.

Site Description

This 3,997.3 square foot (sq. ft.) project site is located in a Lowrise 2 (LR2) zone in the Magnolia neighborhood of the City of Seattle. The parcel is situated on the south side of West Crockett Street. Two single family residences with attached garages are currently being constructed on the site.

Vehicular access to the site is via a curbcut abutting West Crockett Street. West Crockett Street is an improved non-arterial street with a paved roadway, curbs, gutters, street trees and sidewalks.

The topography of the site slopes downwards from west to east. Most of the site is identified as Environmentally Critical Area (ECA)-Potential Slide.

Surrounding property south, north, east and west of the proposal site is also zoned LR2. Existing development in the vicinity of the proposal consists of homes, duplexes, townhouses, and apartments varying in age and architectural style on a variety of lot sizes, consistent with the zoning designation.

Proposal

The proposal is to subdivide one parcel of land (the “parent lot”) to create two unit lots. The subject site fronts on West Crockett Street. Vehicular access to each residence’s attached garages would be via a proposed ingress/egress easement.

Permits for the demolition of an existing single family residence (#6328061) and the construction of two single family residences (#6322235) have been reviewed, approved and are currently being constructed at the subject property. DPD also issued a Master Use Permit (#3013821) which granted the establishment of two single family residences to be built in an ECA. The subject of this analysis and decision is restricted to the proposed division of land.

Public Comment:

The public comment period ended on February 20, 2013. DPD received no written comments regarding this proposal during the public comment period.

ANALYSIS – SUBDIVISION

This unit lot subdivision is a type of short subdivision, and is subject both to the general approval criteria for short subdivisions and also specific requirements for unit lot subdivisions.

General short subdivision standards: Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
3. *Adequacy of drainage, water supply and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*
9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zone in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
 - d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The unit lot subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This unit lot subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. For all unit lots proposed without street frontage, this plat will be required to provide an easement or covenant to allow for the proper posting of address signage. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. Unit lot subdivisions are not subject to SMC 25.09.240. Tree and other landscaping requirements were considered under the building permit review. The public use and interest are served by the proposal since all applicable criteria as conditioned are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Unit lot subdivision standards: The unit lot subdivision must conform to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, rowhouse and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.*
- B. *Except for any site for which a permit has been issued pursuant to Section 23.44.041 or 23.45.545 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection 23.24.045.A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*

- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

The unit lot subdivision conforms to applicable standards of SMC 23.24.045. Structures reviewed under a separate building permit, conform to the development standards at the time the permit application was vested to Code.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **GRANTED with Conditions**.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (SMC Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. DPD has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for ECA (SMC 25.09).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-Term and Long-Term Impacts

No short-term or long-term impacts are anticipated as a result of approval of the unit lot subdivision.

Earth

The ECA Ordinance and Director’s Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study in association with the aforementioned DPD applications. This study has been reviewed and approved by DPD’s geotechnical experts in association with the aforementioned DPD applications, who have required what is needed for the construction of the two single family residences to proceed without undue risk to the property or to adjacent properties.

The site is located in a mapped ECA due to potential landslide prone areas. The unit lot subdivision application would create two lots from the existing lot by creating a new lot line between the lots. No construction is proposed for the unit lot subdivision itself and there will be no ground disturbance of the site so no impacts to the earth are expected.

Summary

In conclusion, no additional conditioning is warranted pursuant to SEPA policies. Therefore, no additional SEPA conditions have been imposed on this short plat.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determine to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2) (c).

CONDITIONS – SEPA

None required.

CONDITIONS – UNIT LOT SUBDIVISION

Prior to Recording

1. Add an easement or covenant to allow for the proper posting of address signage for all unit lots that do not have street frontage.

Signature: _____ (signature on file) Date: March 21, 2013
Tami Garrett, Senior Land Use Planner
Department of Planning and Development

TYG:drm

I:\garrett\DOC\ULS\ 3013886 decision.docx